

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Attorney Docket No. 41877/0102**

In re patent application of

Gerald E. JANUSZ et al..

Group Art Unit: 2687

Serial No. 09/875,529

Examiner: U. Cho

Filed: June 6, 2001

For: METHOD AND SYSTEM FOR TRANSMITTING, RECEIVING, AND
COLLECTING INFORMATION RELATED TO A PLURALITY OF
WORKING COMPONENTS

The Honorable Commissioner of Patents
Washington D.C. 20231

DECLARATION UNDER TITLE 37 C.F.R. 1.132

I, Nick Smith, being duly warned, hereby declare that:

(1) I am a citizen of the US, residing at Borden, IN. I am the VP of Engineering for the Verics™ System of products sold by Telemics, Inc., located at 201 E. Jefferson St. Louisville, KY. I have been working in the field of RF and Electrical Engineering for twenty-two years and I have a good knowledge of products that are sold in this field. My employer is a company with six employees and has been in business since 1999.

Telemics, Inc. is a manufacturer of wireless monitoring and control systems for streetlighting networks that are produced in accordance with the invention claimed in the above-identified patent application. This product is commercially sold under the name of "Verics™" and "GE StreetSmarts™". This product embodies the invention recited in pending independent claims 1, 16, 30, 34, 36, and 37. Specifically, this product includes a low power transceiver module on each of the streetlights which itself initiates determination of an initial best path to an area control module. Furthermore, on occurrence of a predetermined event, the microcontroller associated with a transceiver module initiates transmission of a message through a radio transceiver such that neighboring transceivers (associated with respective neighboring streetlights) selectively retransmit the message until it reaches the area control module.

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This product has been widely accepted by users because it is designed upon commercially viable, robust wireless communications mechanisms meeting the many requirements of utility systems, which demand wide-area blanket deployment, but in many phases such that there is not a huge up-front infrastructure investment. The self-configuring, and self-healing characteristics provided by this invention provides for the robustness necessary in the utility/municipality applications, yet alleviates the cost burdening requirements for the utility to maintain RF system designers and technicians. **See attached Letter from City of Los Angeles (a purchaser)**

(2) To the best of my knowledge, the Verics™ products first appeared commercially in 2002 and the sales of these products have been very successful commercially. My company first sold these units in 2002, and has subsequently sold >10,000 units, and our annualized sales rate is currently 12,000/yr, with contracts presently in excess of \$5 million.

In my opinion, the commercial success has resulted from the claimed invention because it provides the robust communications necessary in a here-to-fore unachieved deployability, thereby meeting the demands of the utility/municipality. **See attached Letter from City of Los Angeles (a purchaser)**. This letter states that one of the main reasons of their purchase was that the "Telemics System is 'self-commissioning': (i.e., no special engineering design for deployment as each unit automatically associates with its neighbor units to learn and maintain its communication as the system builds and regulates itself."

This feature is not provided by any other solution in the market which is equivalently simple to operate and does not require the use of sophisticated components or highly specialized parts.

Further evidence of the nexus between the claimed invention and sales are as follows. To the best of my knowledge, the market share of Telemics Inc. devices that perform the streetlighting control and monitoring was 0% in the year prior to the introduction of the Verics™ embodying the claims of the present invention. In the first year of the introduction of the system, Telemics' market share jumped to ≥90% of the relevant market in which this system is provided.

The number of Verics™ units sold in the first year of operation was ~1200. In the subsequent years, the sales of these devices have continued in the following manner: year 2

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~2000; year 3 – ~5000; and so on. Therefore, the total amount of sales is steadily increasing.

Furthermore, this commercial success was not due to any unusual advertising or any unusual sales or marketing programs. The Product was sold to customers who were free to choose based on objective criteria without any coercion from Telemics, Inc. See Letter from City of Los Angeles which states that they purchased the Telemics product after “extensive research showed that no other products available provided such a compelling, affordable, feature set as the Telemics system.”

The system was also sold at a competitive price. Furthermore, an unusually low price or any other unusual incentives were not used to generate the sales.

(3) Since the proliferation of streetlights over the past many decades, municipalities have been faced with the problem of effectively maintaining safe lighting standards with cost efficient operation and maintenance in widely dispersed networks. Despite extensive effort in this area, no satisfactory solution to this problem had been found.

Therefore, in my opinion, the Verics™ system was not obvious because despite the long-felt need for this capability, no one else had produced this device until the inventors of the present invention came up with their invention and Telemics, Inc. was able to produce and sell the Verics™ communications system that effectively and greatly reduced the burden of effective streetlight operation and maintenance.

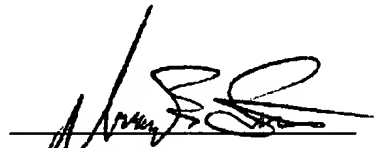
In conclusion, I would like to emphasize that despite the long-felt and evident need for a streetlighting control and monitoring system of the present invention and the presence of the individual components (other wireless communications systems), the industry did not develop a highly self-configuring, self-healing, yet cost effective system as claimed in the present invention. Therefore, in my opinion, the commercial success enjoyed by Telemics' Verics™ system is a strong indicator that the methodology and system for communications defined in the pending independent claims of the present application which are embodied in the combination of elements that produce the Verics™ system were non-obvious at the time of filing of the application and, therefore, should have considerable relevancy as an indicia of non-obviousness of the present invention.

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(4) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: _____

9-14-05


(Nick Smith)

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September 6, 2005

To whom it may concern:

Re: Telemics, Inc.


I am the Senior Street Lighting Engineer with the City of Los Angeles Bureau of Street Lighting. We are a customer of Telemics, Inc from whom we purchase a system to remotely monitor and control street lights. After extensive evaluation and testing which we started in late 2001, the City has started implementation of the deployment of the Telemics system into the City of LA's street lighting system.

Our extensive research showed that no other product available in 2002 provided such a compelling, affordable feature set as the Telemics system.

- (1) The Telemics system is "self-commissioning": (i.e. no special engineering design for deployment as each unit automatically associates with its neighbor units to learn and maintain its communications path as the system builds and regulates itself, thereby allowing the Bureau to avoid having wireless specialists on staff)
- (2) The Telemics system is "self-healing": (i.e. the unique radio communications protocol system automatically maintains robustness as units are re-positioned, damaged, powered down, etc.)
- (3) The units operate in the "license-free" wireless band. (i.e. readily available service right across the city with no cost associated with the units talking to each other).

In summary, this was the only product in 2002 that provided the desired street lighting application with the superior communications capabilities at an affordable cost.

Yours truly,


Norma Isahakian
Sr. Street Lighting Engineer
Bureau of Street Lighting

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